

Connecticut Siting Council
Application Guide for a
HAZARDOUS WASTE FACILITY

June 2007

This application guide is to assist applicants in filing for a certificate of public safety and necessity from the Connecticut Siting Council (Council) for the construction of a hazardous waste facility. Applicants should consult General Statutes §§ 22a-114 through 22a-134, 16-50j through 16-50z, and the Regulations of Connecticut State Agencies Section 22a-116-B-1 through 22a-116-B-11, 22a-122-1 and 126-50j-1 through 16-50z-4 to assure complete compliance with the requirements of those sections. Where appropriate, statutory and regulatory references are noted below.

I. Application to Department of Environmental Protection (General Statutes § 22a-118(c))

Prior to filing an application to the Council, an applicant must have applied to the Commissioner of Environmental Protection for all licenses, permits, or approvals which are within his jurisdiction and the Commissioner must have published in the Connecticut Law Journal a notice of intent to issue such licenses, permits, or approvals.

II. Application to Municipal Agencies (General Statutes § 22a-124(b))

At the same time an application is filed with the Council, the applicant shall apply to city, town, borough, and municipal agencies for permits required pursuant to Chapters 124, 126, and General Statutes § 22a-42, 22a-42a and 22a-118(e).

III. Quantity, Form, and Filing Requirements (Regs., Conn. State Agencies § 16-50j-12)

A. Except as may be otherwise required at the time applications are filed with the Council, there shall be furnished to the Council an original and twenty (20) copies for the use of the Council and its staff.

B. Except for such forms as may from time to time be provided by the Council and used where appropriate, applications filed for the purpose of any proceeding before the Council shall be printed or typewritten on paper cut or folded to letter size, 8 to 8½ inches wide. Width of margins shall be not less than one inch. The impression shall be only one side of the papers, unless printed, and shall be double spaced, except that quotations in excess of five (5) typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photoduplicated, or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible.

- C. Every application shall be signed by the applicant or by one or more attorneys in their individual names on behalf of the applicant. All applications shall be filed at the office of the Council, 136 Main Street, Suite 401, New Britain, Connecticut 06051. Service of all documents and other papers filed as applications, briefs, and exhibits, but not limited to those categories, shall be by personal delivery or by first class mail.
- D. Any exhibits, sworn written testimony, data, models, illustrations, and all other materials that the applicant deems necessary or desirable to support the granting of the application shall be attached to the application. In addition, annexed materials shall include such exhibits, sworn written testimony, and other data that any statute or regulations may require. The applicant may refer in the application to portions of other Council docket records and generic hearings or statements prepared by the Council as a result of generic hearings. Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.
- E. Applicants may present material in a sequence and format most appropriate for the particular proposal. To allow timely Council review, include with the application a copy of this form with page references for each item required in Section VII below. An electronic version of all filings, as appropriate, should be provided.

IV. Fees and Grant (Regs., Conn. State Agencies § 22a-116-B-5; General Statutes §22a-127)

- A. The application fee for a certificate of public safety and necessity for a new hazardous waste facility or the modification of a hazardous waste facility shall be 1% of estimated construction cost including land, but not less than \$5,000 and not more than \$100,000. All application fees shall be paid to the Council at the time an application for a certificate is filed with the Council. In the event a hearing shall be held for any such application, assessments of applicants shall be made for expenses of the proceeding, and shall be in addition to the application fee. Fees and assessments in excess of the Council's actual costs will be refunded to the applicant.
- B. In addition to the application fee, an applicant shall deposit with the Council, at the time the application is filed, for the local project review grant, an amount calculated as 1% of the total project costs, but not less than \$1,000 and not exceeding \$30,000. (Regs., Conn. State Agencies §22a-116-B-6)

V. Proof of Service (General Statutes § 22a-118(e))

Each application shall be accompanied by proof of service of a copy of such application on:

- A. the chief elected official, the fire marshall, and the director of health of each municipality in which the proposed facility is to be located;

- B. the chairpersons of the conservation commission, inland wetlands agency, planning commission, police commission, and zoning commission of each municipality in which the proposed facility is to be located;
- C. the chairperson of the regional planning agency for the region in which the proposed facility is to be located;
- D. each water company, as defined in General Statutes § 25-32a, which owns or operates land or facilities located in or services any customer who resides in the municipality in which the site is located or an area within a five mile radius of the boundaries of the proposed site;
- E. each member of the legislature in whose district the proposed facility is located;
- F. each of the following state agencies: the Departments of Environmental Protection, Health Services, Public Utility Control, Economic Development, Public Safety, Transportation, the Office of Policy and Management, and the Council on Environmental Quality;
- G. each owner of land adjacent to the proposed facility.

VI. Public Notice (General Statutes § 22a-118(e); Regs., Conn. State Agencies § 22a-116-B-3)

A notice of such application shall be given to the general public by the publication, in ten-point boldface type, of a summary of such application and the date on which it will be filed in a newspaper of general circulation in each municipality in which the proposed facility is to be located. In addition, the notice shall contain the following sentence: "The chief elected official of any municipality which wishes to be represented on the Council as the most affected neighboring municipality may apply within 10 days for such status to the Council in accordance with Regulations of Connecticut State Agencies Section 22a-116-B4."

The Council also advises each applicant that at least ten business days prior to the public hearing such applicant should erect and maintain in a legible condition a sign not less than six feet by four feet upon the site at the entrance to the property from a public road where such facility is to be located. The sign shall set forth the name of the applicant, the type of facility, the public hearing date, and contact information for the Council (Web site and phone number).

Example:

PUBLIC NOTICE:

Dominion has filed an application with the Connecticut Siting Council (Council) for construction of a hazardous waste facility on this site. The Council will hold a public hearing on March 27, 2004 at the Newington Town Hall Auditorium at 3 and 7 p.m. A copy of the application can be reviewed at the town hall or at the Council offices in New Britain, CT. For more information, please contact the Council by telephone at 860-827-2935, electronically at www.ct.gov/csc, or by mail at 10 Franklin Square, New Britain, Connecticut 06051.

VII. Contents of Application (General Statutes § 22a-118(a))

An application for a certificate of public safety and necessity for a hazardous waste facility shall be accompanied by the following information, unless a full explanation of irrelevancy is provided for any item omitted from an application. The Council will reserve final judgment of relevancy pursuant to § 22a-116-B-3(c) of the regulations.

- | | <u>Page Reference</u> |
|---|-----------------------|
| A. The exact legal name of each person seeking the authorization or relief and the address or principal place of business of each such person. If any applicant is a corporation, trust association, or other organized group, it shall also give the state under the laws of which it was created or organized; | <hr/> |
| B. The name, title, address, and telephone number of the attorney or other person to whom correspondence or communications in regard to the application are to be addressed. Notice, orders, and other papers may be served upon the person so named, and such service shall be deemed to service upon the applicant; | <hr/> |
| C. A description of the proposed facility, including: | <hr/> |
| 1. The facility's estimated cost; | <hr/> |
| 2. A description of the known or anticipated types, general characteristics, EPA hazardous waste codes, if any, and weight or volume of wastes to be handled by the proposed facility. At a minimum, this description shall contain all the information which must be known for the safe storage, handling, treatment, recovery, or disposal of the wastes; | <hr/> |
| 3. A description of the technology to be used, and, if land disposal is proposed, an explanation of why no other disposal method is reasonably available or applicable; | <hr/> |
| 4. The reasons for choosing the site, the proposed type of hazardous waste facility selected, and a comparison of alternate sites and technologies; | <hr/> |
| 5. An analysis of the design capacity and expected life of the proposed disposal equipment and site; | <hr/> |
| 6. A schedule of dates setting forth the proposed program of acquisition, construction, completion, operation, and closure. | <hr/> |
| D. Environmental site information obtained from the Department of Environmental Protection review of all licenses, permits, or approvals required by that Department. This information should include, but need not be limited to: | |
| 1. Maps, with narrative descriptions of: | |

- a) air quality and movement, including pre-vailing wind direction and air dispersion characteristics; _____
 - b) ground and surface water conditions, levels, movement, and fluctuations; _____
 - c) vegetation and wildlife populations and habitat, including critical habitats and endangered species _____
 - d) seismic characteristics, in such detail and of such quality to enable geologists to identify and evaluate seismic activity; _____
 - e) hydrogeologic conditions of the proposed site. _____
2. Design, capacity, operation, and management information, including facility efficiencies of:
- a) tanks and any other containers; _____
 - b) surface impoundments; _____
 - c) waste piles; _____
 - d) land treatment facilities; _____
 - e) landfills; _____
 - f) incinerators; _____
 - g) thermal, physical, chemical, and biological treatment units; and _____
 - h) injection wells _____

E. Additional environmental site information.

1. A map showing the proximity of the proposed site to facilities or properties owned or operated by a water company as defined in General Statutes § 25-32a;
2. A map showing the land classification of the proposed site under the classification established by General Statutes § 25-37c;
3. A report of the impact of the proposed facility on present and future public water supplies and private wells;
4. A topographic map covering an area of at least 2000 feet around the facility at a scale of one inch (1") to not more than two hundred feet (200'), showing, unless shown adequately elsewhere:
 - a) contours sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility;
 - b) 100-year flood plain;
 - c) surface waters, including intermittent streams;
 - d) surrounding land uses;
 - e) legal boundaries of the facility site and contiguous property owned or controlled by the facility owner;
 - f) access control (fences, gates);
 - g) injection and withdrawal wells both onsite and offsite;
 - h) location of buildings, treatment, storage, recovery, or disposal operations, operational units, and other structures; and
 - i) barriers for drainage or flood control.
5. A map showing locations of exploited or valuable unexploited minerals, if any, in the vicinity of the site;
6. A map showing noise levels expected within 1000 feet of the facility during construction and operation.

F. Land use planning information.

1. Human population density information for the area of the proposed facility. This area should include, at a minimum, the municipality in which the facility is proposed to be located, all municipalities which share a common border with the municipality where the facility is proposed to be located, and all municipalities which occupy any area within a ten mile radius

of the site.

2. Traffic information, including road and transportation access data and maps, traffic patterns, estimated number and types of vehicles using the facility, and access road surfacing and load bearing capacity.
3. Information on present and future development of the town where the facility is proposed to be located and for the surrounding towns, including, but not limited to all present land uses and zoning within one mile of the site property line.
4. A map showing the proximity of the proposed site to power plants, power lines, pipelines, and airports.
5. The names and addresses of all record owners of property adjacent to the legal boundaries of the proposed site and contiguous property owned or controlled by the facility owner.
6. Identification of all existing and planned schools, hospitals, nursing homes, and occupied dwellings within 2000 feet of all active parts of the proposed facility.

G. Operational plans for preventing and mitigating environmental harm.

1. A demonstration that the health and safety of persons utilizing structures identified in response to (f) (6) above will not be jeopardized by the siting of the facility.
2. A detailed description of provisions, including equipment and operation, for preventing hazards, monitoring of ground water quality, containing hazardous waste or waste constituents on site, and mitigating the effect of the operation of the facility on the public safety and the environment.
3. A detailed description of contingency plans and emergency procedures established for dealing with facility malfunctions.

H. Public need and benefits.

1. A description of the incentives offered and benefits accruing to the municipality in which the proposed facility is to be located.
2. An assessment of the need for the facility and the amount, types, and sources of the state's annual hazardous waste generation which the applicant proposes to dispose of, treat, transfer, store, or recover at the facility.
3. An analysis of the energy and resource recovery

benefits, if any, which will be derived from the facility.

4. Any other information which bears upon the public need or anticipated benefits that the applicant wishes to bring to the attention of the Council.
- I. A listing of federal, state, regional, and municipal agencies from which approvals have been received and the planned schedule of obtaining those approvals not yet received.
- J. The plan for facility closure and post-closure care and liability.
- K. Information about the applicant.
 1. A detailed statement of the applicant's financial capabilities, as well as a statement of the applicant's qualifications and previous experience with hazardous waste disposal, including a listing of all hazardous waste disposal projects or methods with which the applicant has had any connection or affiliation whether as owner, contractor, supplier, or consultant.
 2. A list of all criminal and civil charges and enforcement actions, or other proceedings related to hazardous or solid waste, or disposal of such wastes in which the applicant or any corporate parent, subsidiary, or affiliate has been involved.
- L. Application for amendment or transfer shall include such information as the Council requires, pursuant to General Statutes § 22a-118(b).
- M. The Council must render its decision within twelve months of receipt of the application, extendable 180 days by agreement of the Council and applicant, pursuant to General Statutes § 22a-119(f).

Please note that all documents, including but not limited to maps, must be dated. If the document date is unavailable, the date the document was obtained shall be provided. If a map includes a key table(s), a matching source list/table, appropriately organized, shall also be included; if a map includes a source list/table, a matching key table shall also be included.

PLEASE NOTE THAT THIS GUIDE IS NO SUBSTITUTION FOR OBTAINING ADVICE FROM LEGAL COUNSEL. IN THE EVENT OF ANY CONFLICT BETWEEN THIS GUIDE AND THE

ACTUAL STATUTES AND REGULATIONS, THE STATUTES AND REGULATIONS SHALL GOVERN.